

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R & B – Mahaboobnagar Dist – CMA No.1103/1992 and CRP No.846/1992 filed by the State Government against the O.P.No.101/1991 filed by Sri K.V.Sudharshan Reddy, Contractor on the file of the Senior Civil Judge, Wanaparthy relating to the construction of diversion road linking the Pebbair-Yaperla and Kollapur-Yaperla – Decretal amount of Rs.42,97,581/- – Sanctioned - Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R-III) DEPARTMENT

G.O.Rt.No. 133

Dated:22 -01-2009.

Read the following:-

1. O.P.No.101/91 filed by Sri K.V.Sudharshan Reddy, Contractor, with the Senior Civil Judge, Wanaparthy.
2. O.P.No.103/91 filed by the R & B Department with the Senior Civil Judge, Wanaparthy.
3. Senior Civil Judge, Wanaparthy, E.P. No.4/1992, dt.7-6-2006 and dt.11-7-2006.
4. Common Judgment, dt.17-6-2005 of Hon' High Court of A.P. in CRP No.846 of 1992 and CMA No.1103 of 1992 filed by the R & B Department.
5. Orders of Hon' Supreme Court in SLP (Civil) No.11755/2006, dt.3-10-2007.
6. From the E-in-C (R&B), SR, Hyd., Lr.No.35619/TA-12/AEE1/2005, dt.27-08-2008.

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O R D E R:

The Engineer-in-Chief (R&B), SR, Hyderabad in his letter 6th read above has stated that Sri K.V.Sudharshan Reddy, Contractor (represented by GPA Sri K.Chandramouli), was entrusted the construction of diversion road linking the Pebbair-Yaperal road and Kollapur-Yaperal road in Mahaboobnagar District, vide Superintending Engineer's L.S. A.P. No.6/1981-82, dt.27-04-1981. After completion of the work, the Contractor has gone for arbitration and an award was passed by the Sole Arbitrator. To set aside the award passed by Sole Arbitrator, the Roads & Building Department has filed O.P.No.103/91 with the Senior Civil Judge, Wanaparthy. The Contractor has also filed O.P.No.101/91 for making the award as rule of Court. Finally the Senior Civil Judge, Wanaparthy has decreed the award passed by the Sole Arbitrator and dismissed the O.P. filed by the department. The department has appealed in the Hon'ble High Court vide CRP No.846 of 1992 and CMA No.1103 of 1992. The Hon'ble High Court in its orders, dated 17-6-2005 has dismissed the said CRP and CMA and made the award passed by the Sole Arbitrator as final. The department has filed an S.L.P. No.11755/2006 in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India has directed the department to pay the decretal amount to the respondent (Contractor) as per the judgment on E.P. 4/92 in O.P.No.101/91 subject to the respondent (Contractor) furnishing solvent security to the satisfaction of the Trial Court vide their order, dt.3-10-2007.

2. In pursuance of the orders of Supreme court of India in SLP (Civil) No.11755/2006, dt.3-10-2007, the Engineer-in-Chief (R&B), SR, Hyderabad, in his letter 6th read above, has requested the Government to sanction an amount of Rs.42,97,581/- as decretal amount to deposit with Senior Civil Judge, Wanaparthy, as per the E.P. No.4/1992 in O.P. No.101/1991 filed by Sri K.V.Sudharshan Reddy, Contractor.

3. Government, after careful examination of the matter hereby accord administrative sanction for an amount of Rs.42,97,581/- (Rupees Forty Two lakhs, Ninety Seven Thousand, Five Hundred and Eighty One only) for depositing the decretal amount with the Senior Civil Judge, Wanarparthy in E.P. No.4/1992 in O.P. No.101/1991 subject to furnishing solvent security by Sri K.V.Sudharshan Reddy, Contractor (Respondent) before drawing the decretal amount.
4. The amount sanctioned in para 3 above shall be met initially by way of an advance from the contingency fund from the head of Account "MH 5054-COL on Roads and Bridges, 04-District and Other Roads, MH-800-Other Expenditure, GH-11-Normal State Plan, SH(08)-Other Roads, 530-Major Works, 531-Other Expenditure (charged)"
5. Orders regarding release of the amount from the contingency fund will be issued by Finance (BG) Department separately.
6. The E-in-C (R&B), SR, Hyd., shall send necessary proposals to Government during the current financial year 2008-09 at an appropriate time for obtaining supplementary Grant to recoup the advance sanctioned from the contingency funds.
7. This order issues with the concurrence of Finance (Expr. PW) Department vide their U.O. No. 33664/1635/A2/Expr.PWD/2008, dt. 17-12- 2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.T.CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (R&B), State Roads, Hyderabad.

Copy to

The Superintending (R&B), Circle, Mahaboobnagar.
The Executive Engineer (R&B), Wanarparthy, Mahaboobnagar District.
The Finance (Expr. PW) Department.
The Accountant General, A.P., Hyd.
The Pay and Accounts Officer, Mahaboobnagar.
The P.S. to Minister (R&B)
The P.S. to Prl. Secy. (TC), TR&B Dept.

//Forwarded: By Order//

SECTION OFFICER.